

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TIMOTHY S. VERNOR,

Plaintiff,

v.

AUTODESK, INC.,

Defendant.

CASE NO. C07-1189RAJ

MINUTE ORDER

The following minute order is made by the direction of the court, the Honorable Richard A. Jones:

The court has reviewed the parties' cross-motions for summary judgment (Dkt. ## 49, 54). As the motions make clear, the parties are aware that the court's disposition of this matter will turn in large part on *United States v. Wise*, 550 F.2d 1180 (9th Cir. 1977). In reviewing the motions and supporting material, the court notes that the Autodesk License at the heart of this dispute contains a "Copyright" section which begins with the following sentence: "Title and copyrights to the Software and accompanying materials and any copies made by you remain with Autodesk." The parties do not address this section of the License in their briefs.

The court directs Autodesk to submit, no later than May 15, 2009, a supplemental brief of no more than 12 pages addressing the import of that sentence, particularly in light

1 of the discussion of “V.I.P. Contracts” in *Wise*. 550 F.2d at 1192. Autodesk shall  
2 explain both whether the License provides that Autodesk retains title to the copyrighted  
3 material in its software packages (including electronic and printed media), and whether  
4 Autodesk engages in business practices consistent with the retention of title to the  
5 copyrighted material. Plaintiff shall respond in a brief of 12 pages or less no later than  
6 May 29, 2009.

7 The court directs the clerk to RENOTE the cross-motions for summary judgment  
8 (Dkt. ## 49, 54) for May 29, 2009.

9 Filed and entered this 29th day of April, 2009.

10 BRUCE RIFKIN, Clerk

11 s/Consuelo Ledesma

12 By

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